

EXHIBIT 12

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**EMMETT WALKER and JANNETTE
WALKER,**

Plaintiff,

v.

**OCWEN LOAN SERVICING, LLC, et
al.,**

Defendants.

Civil Action No. 16-9157

ORDER

THIS MATTER having come before the Court by way of Defendant Ocwen Loan Servicing, LLC's ("Defendant's") motion to dismiss Plaintiffs Emmett and Jannette Walker's ("Plaintiffs") Amended Complaint, ECF No. 16;

and it appearing the Amended Complaint relies substantially on the facts and arguments set forth in the original Complaint, ECF No. 1, which was dismissed by the Court on July 11, 2017 for the reasons set forth in an accompanying Opinion on that date (the "Opinion"), ECF Nos. 11, 12;

and it appearing that the only new allegation in the Amended Complaint is that Internal Revenue Bulletin 2016-48 (the "Bulletin"), published in November 2016, required Defendant to rescind the Form 1099-C it filed in connection with Plaintiffs' loan modification agreement, Amended Complaint, p. 3;

and it appearing that the cited language in the Bulletin applies only to Form 1099-Cs filed pursuant to the former Section 1.6050P-1(b)(2)(i)(H), involving "the expiration of a 36-month

non-payment testing period[.]” Removal of the 36-month Non-payment Testing Period Rule, 81 Fed. Reg. 78,908 (Nov. 28, 2016) (to be codified at 26 C.F.R. § 1.6050P-1), which is not the basis on which Defendant filed the Form 1099-C at issue in this case, see ECF No. 11 at 5 (noting that the applicable trigger was “an agreement to discharge a debt at less than full consideration”);

and it appearing that the Amended Complaint does not include any other new factual allegations or legal theories that change the Court’s analysis set forth in the Opinion;

and it appearing that Plaintiffs are unable to state a claim upon which relief may be granted;

and for the reasons set forth in the Opinion and for good cause shown,

IT IS on this 9th day of March, 2018,

ORDERED that Defendant’s Motion to Dismiss is **GRANTED**; and it is further

ORDERED that Plaintiffs’ Amended Complaint is **DISMISSED** with prejudice.

/s/ Madeline Cox Arleo
Hon. Madeline Cox Arleo
United States District Judge